

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

vs

Plaintiff,

Case Number:

Defendant.

STIPULATION OF CONSENT TO TRIAL BEFORE UNITED STATES MAGISTRATE JUDGE
ENTRY OF FINAL JUDGMENT BY UNITED STATES MAGISTRATE AND CONSENT TO
APPEAL TO UNITED STATES COURT OF APPEALS

The undersigned parties, by and through their attorneys, are fully aware of the right to trial of the captioned proceeding before a Judge of the United States District Court for this District and do hereby specifically waive trial before the District Judge and consent to (jury/non-jury) trial before a United States Magistrate Judge and specifically authorize entry of final judgment by the United States Magistrate Judge, pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P. 73.

Plaintiff(s)

Defendant(s)

After completing this form, counsel are **required** to e-mail it to: consents@wyd.uscourts.gov. Alternatively, the form may be mailed to the following address: U.S. District Court, 2120 Capitol Avenue, Room 2131, Attention: Consent Clerk, Cheyenne, Wyoming 82001. **Do not e-file this document!**

28 U.S. Code § 636 - Jurisdiction, powers, and temporary assignment

(c)Notwithstanding any provision of law to the contrary—

(1)Upon the consent of the parties, a full-time United States magistrate judge or a part time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate judge may exercise such jurisdiction, if such magistrate judge meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate judge is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge.

(2)If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences. Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent.

(3)Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court. The consent of the parties allows a magistrate judge designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(4)The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection.

(5)The magistrate judge shall, subject to guidelines of the Judicial Conference, determine whether the record taken pursuant to this section shall be taken by electronic sound recording, by a court reporter, or by other means.

A consent form is attached and also available on the Court's website at:
<http://www.wyd.uscourts.gov/htmlpages/forms.html#CivilForms>